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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,146	03/29/2006	Elke Hoehne	2316.2104USWO	4689
23552	7590	07/26/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ANDERSON, GUY G	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/531,146	HOEHNE ET AL.	
	Examiner	Art Unit	
	Guy G. Anderson	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1,3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

- 1.1 Claim 1 is objected to because of the following informalities:

Applicant discloses the use of buffered fiber, which is generally construed to be a single optical fiber with a buffer tube of protective material. An optical fiber cable may contain a plurality of optical fibers all with their own individual buffer tubes. While applicant can be his own lexicographer, applicants disclosure is unclear as to the definition to be applied to the term "buffered fiber." Applicant appears to try and use the term to mean a cable with a plurality of fibers, but examiner is uncertain of this. Therefore, the limitation in Claim 1 relating to "buffered fiber to be subdivided into at least two strands" has not been given patentable weight. Appropriate correction is required.

- 1.2 Claims 3 and 4 have limitations relating to circuits. The disclosure is not specific as to the definition of circuit. Does applicant mean each circuit is a different piece of telecom equipment that may have multiple fibers that need to be routed through the applicants disclosed distribution system, or is each circuit one single optical fiber that is routed to its related optical termination point? Applicant is requested to clarify this point.

Claim Rejections - 35 USC § 102

- 2.1 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2.2 Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US-5402515 to Vidacovich.
- 2.3 Regarding Claim 1, Vidacovich specifically discloses a fiber distribution system comprising:
- 1) a module [Fig. 2, #14];
 - 2) at least one receiving device [Fig. 2, #22];
 - 3) which receives at least two cassettes [Fig. 2, #24];
 - 4) a cassette being formed with at least one coupling element [Fig.3, #30];

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5) comprising at least one optical fiber, a cassette being able to receive a strand with excess length, the at least one optical fiber being able to be connected to the coupling element and the cassette with the received strand being connected in a non-permanent manner to the receiving device.

[Col. 2, Lines 61-68, Col. 3, Lines 1-30.]

2.4 Regarding Claim 2, Vidacovich specifically discloses a fiber distribution system wherein:

1) the cassette is formed with at least one guide element, the guide element defining at least one path for receiving at least one strand and a minimum radius of curvature of the path being greater than a minimum-permissible bending radius of the strand.

[Fig. 3, 4, #82, 57.]

2.5 Regarding Claim 3, Vidacovich specifically discloses a fiber distribution system wherein:

1) the optical fibers of a strand can be assigned to a circuit or circuits dependent on one another. [Col. 3, Lines 1-2.]

2.6 Regarding Claim 4, Vidacovich specifically discloses a fiber distribution system wherein:

1) the cassettes are formed as single-fiber cassettes, to which a circuit can be assigned.

The MPEP § 2131.03 Anticipation of Ranges, § II, states, “When the prior art discloses a range which touches, overlaps or is within the claimed range, but no specific examples falling within the claimed range are disclosed, a case by case determination must be made as to anticipation. In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with “sufficient specificity to constitute an anticipation under the statute.”

In the instant case, Vidacovich discloses a fiber storage cassette tray that is capable of handling fibers from multiple circuits/equipment. This range encompasses a single fiber cassette tray and thus constitutes anticipation under the statute.

2.7 Regarding Claim 5, Vidacovich specifically discloses a fiber distribution system wherein:

1) the coupling element of the cassette can be connected to an optical fiber element which is formed with a plug-in contact, at least at an end remote from the coupling element, it being possible by means of the coupling element to connect the optical fiber element to at least one optical fiber of the strand.

[Fig. 3, #28, 30, 58, 60, 62, Col. 4, Lines 60-68, Col. 5, Lines 1-5.]

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2.8 Regarding Claim 6, Vidacovich specifically discloses a fiber distribution system wherein:

1) the coupling element is formed as a splicing element.

[Col. 2, Lines 65-66.]

2.9 Regarding Claim 7, Vidacovich specifically discloses a fiber distribution system wherein:

1) the receiving device comprises at least one guide rail that can be firmly connected to the module.

[Fig. 2, wherein the module (#14) has a receiving device (#22) which has a guide rail (not numbered) which slides into cassette (#24) pivot attachment point (#38) which has a pin or screw (#36) through both the attachment point and rail for securing and pivoting means.]

2.10 Regarding Claim 8, Vidacovich specifically discloses a fiber distribution system wherein:

1) the receiving device is formed with a pivoting mechanism.

[Fig. 2, wherein the module (#14) has a receiving device (#22) which has a guide rail (not numbered) which slides into cassette (#24) pivot attachment point (#38) which has a pin or screw (#36) through both the attachment point and rail for securing and pivoting means.]

Claim Rejections - 35 USC § 103

3.1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.2 Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US-5402515 to Vidacovich as applied to claim 8 above, and further in view of US-5787219 to Mueller et al. Vidacovich discloses the invention as claimed, however, Vidacovich does not specifically disclose a fiber distribution system wherein:

1) the pivoting mechanism is formed with at least one spindle and the cassette is formed with a complementary groove.

Mueller discloses a cable closure for receiving fiber optic splices that has a hinged cover assembly utilizing a spindle with complementary groove that makes the cover operable as an opening and closing device as well as removable.

[Mueller at Fig. 5, 6 #5C, 15, Col. 6, Lines 53-59.]

Since both Mueller and Vidacovich are from the same field of endeavor, the hinge of Mueller would have been recognized in the pertinent art of Vidacovich.

It would have been obvious to one who was skilled in the art at the time the invention was made to have made the fiber cassette tray of Vidacovich with a spindle/groove hinge attachment means of Mueller in order to provide a cassette tray which can be swung open and removed if necessary in order to provide easier operator access to components.

[Mueller at Col. 2, lines 1-5.]

3.3 Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US-5402515 to Vidacovich and further in view of US-4697874 to Nozick.

The combination of Vidacovich and Mueller disclose all of the limitations of the base claims upon which Claim 10 depends.

Vidacovich does not specifically disclose a fiber distribution system wherein:

1) the receiving device comprises a knurled screw.

Nozick discloses a distribution frame for optical fibers that has drums for storage of optical fiber that is connected to the duct with a knurled nut in order to make the device suitable for tightening by hand. [Fig. 2, #20, Col. 3, Lines 45-55.]

Since both Nozick and Vidacovich are from the same field of endeavor, the knurled nut of Nozick would have been recognized in the pertinent art of Vidacovich.

It would have been obvious to one who was skilled in the art at the time the invention was made to have made the fiber cassette tray of Vidacovich with a knurled screw/nut in order to make the tightening screw easily adjustable by hand. [Nozick at Col. 3, Lines 45-55.]


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Conclusion

- 4.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 1) US-5247603 to Vidacovich
 - 2) US- 5511144 to Hawkins.
 - 3) US-5778131 to Llewellyn.
 - 4) US-5212761 to Petrunia.
- 4.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy G. Anderson whose telephone number is 571.272.8045. The examiner can normally be reached on M-Th 1130-2200.
- 4.3 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 4.4 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
- 4.5 Date and signature of assistant examiner.



July 8, 2006



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800